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No. 265] NEW DELHI, FRIDAY, MAY 24, 1957/JYAISTHA 3, 1879

ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 22nd May 1957

S.R.O. 1730.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 378 of 1957, presented to the Commission on the 29th April, 1957 under section 81 of the said Act, by Shri Mast Ram M.A. LL.B., Advocate, Delhi Gate, Ferozepore City calling in question the election to the House of the People from the Ferozepore constituency of that House of S. Iqbal Singh Son of S. Rattan Singh, Ward No. 8, Abohar, District Ferozepore.

Received by Registered Post this the twenty ninth day of April, One Thousand Nine Hundred and Fifty Seven.

(Sd.) DIN DAYAL,—29-4-57,
Under Secy.,
Election Commission, India.

TO THE ELECTION COMMISSION, INDIA, NEW DELHI

ELECTION PETITION No. 378 of 1957

Mast Ram M.A. LL.B., Advocate, Delhi Gate, Ferozepore City—one of the contesting candidates—(*Petitioner*).

Vs.

S. Iqbal Singh son of S. Rattan Singh, Ward No. 8, Abohar, Distt. Ferozepore—the candidate declared duly elective from the Ferozepore constituency of the House of the People.—(*Respdt.*).

Election petition under sections 80 to 84, 98 to 100, 117, 123, 130, & 140 of the Representation of the People Act, 1951

The petitioner most humbly and respectfully begs to submit as follows:—

I. That at the general elections held in January, February and March 1957 Respt. was declared duly elected on 15th of March, 1957.

II. That the Petitioner objects to the election of Respt. on the following grounds:—

1. *Bribery.*—(a) To induce electors of the Guru-Har-Sahai Assembly Constituency to vote for him, Respt., in a poster issued jointly with S. Bakhtawar Singh (the congress candidate for the Guru-har-sahai assembly Constituency) under the heading 'Appeal'—printed in both Urdu and Gurmakhi in the name of 'Election Propaganda Secretary Halqa Guru-har-sahai — Daftar Jalallabad to Guru-har-sahai' and published through out the Guru-har-sahai Assembly Constituency between 9th February 1957 and 3rd March 1957, promised:—

that "Har garib ko kulli, julli aur gulli muhaia ki jabegi,"

that "App ke ilaqa men pakki sarken banwai javengi";

that "Same ko door karneke liai tadabir ikhtiar ki javengi";

that "Iss pasemanda ilaqa men high school khulai javengi";

that "Gariban noon zaminan dawa ke thuwadi gulli julli te kulli da parbandh kar sakal"

(b) Criminal cases with respect to the embazzlement of Municipal money were pending against Sarvashri Amin Chand (S.V.P.), Sawan Ram (J.V.P.) and S. Ujagar Singh and some other members of the Guru-har-sahai Municipal Committee. Failing to be assured of their votes and support, Respt. took the accused to Jullundur on 18th February 1957 and there impressed upon comrade Ram Kishan (Deputy Minister for Local Bodies) that the accused being important and influential persons, their support or opposition would materially affect the chances of congress candidates. Between 18th February 1957 and 28th February 1957, Comrade Ram Kishan, with the object directly or inducing the above said persons to vote for and support Respt. directed subordinate authorities from Chandigarh to withdraw the above said cases.

(c) Shri Munshi Ram Galhotra who was found to be corrupt and removed from Presidentship and membership of Municipal Committee Fazilka and disqualified for being a member for some years in 1954 was annoyed with the Respt. who could not save him from the above said dishonour, and refused to vote for and support Respt. at the elections in dispute. To appease him and to induce him to vote for and support the Respt. Respt. got him nominated a member of the Market Committee Fazilka in the month of Jan. 1957, when the disqualification period had not as yet run out.

(d) On the eve of and during the pendency of the above said general elections, S. Partap Singh Kairon (The Chief Minister of Punjab) with the object directly of inducing electors to vote for and support Congress candidates offered and promised that education upto Matriculation will be made free.

2. *Undue Influence.*—(a) By using and consenting to and not objecting against the use of a very large number of members of the Police force for making arrangements for the election—meeting addressed by Shri Govind Ballabh Pant between 5 P.M. to 6 P.M. on 14th February 1957 in Nehru Park Ferozepore and thereby making an average elector know, feel and realise that the meeting was a Government affair and that the Respt. was a nominee of the Government, Respt. directly and indirectly interfered and attempted to interfere with the free exercise of the electoral rights of the electors at large.

(b) In the above said meeting, in which Respt. was himself present, Hon'ble Shri G. B. Pant in clear and unambiguous terms said: "App ne Govt. ko vote dena hai" and thereby attempted and abetted the attempt of Respt. to unduly influence the electors of the Constituency in favour of Respt.

(c) On or about the 21st of Feb. 1957 in the maidan opposite the M.L.M. High School, Ferozepore Cantt. Shri U. N. Dhebar, President of the Indian National Congress, addressing an election meeting held in support of Respt. said: "App ne Govt. ko vote dena hai" and thereby attempted to unduly influence the electors of the Constituency in favour of the Respt.

3. *Use of National Symbol & Emblem.*—Respt. published and consented to and did not object against the publication of a poster in which Shri U. N. Dhebar, President, Indian Congress, is, with folded hands standing before, 'Desh pita Mahatma Gandhi' our National Symbol and Emblem and appealing to the electors to vote for Congress and has therefore been guilty of the corrupt practice under Section 123(3) R. P. Act. 51.

4. *Hiring and Procuring vehicles for conveying electors.*—Respt. and the seven Congress candidates for the Punjab Legislative Assembly who fed him hired and procured, on payment and otherwise, a large number of tractors, trucks, buses, Cars, Jeeps, station wagons, tongas and Rickshaws for the conveyance of electors to and from the polling stations against which the Petitioner and other candidates complained to the authorities. The Petitioner reported to the authorities even in writing, for example at Mamdot (Polling station No. 12) on 4th March, 1957 regarding PNF-1265; at Muktsar on 14th March 1957 regarding PNF-1400, PNF-1402 and PUC-226. The Petitioner saw S. Mohinder Singh a Congress Leader of Ferozepore City conveying electors in Jeep No. 1218 and leaving them outside Magzini Gate, Ferozepore City on 2nd March 1957.

5. *Obtaining and procuring official assistance.*—(a) Respt. on Feb. 12, 13 & 14, 1957 obtained, procured abetted and attempted to obtain and procure the assistance of a large number of members of the police force for bringing hundreds of wooden beams, thousands of bamboos and ropes from the dealers to Nehru Park Ferozepore; for digging pits for planting the above said beams therein and for tying bamboos therewith to divide the meeting place into rows for the audience to sit.

(b) The Superintendent of Police H. Quarters Ferozepore forgetting that he was a Gazetted Officer in the service of the Government and a public servant and not a private employee of the Congress Committee, Local State or All-India, issued invitations to the public for attending the election meeting addressed by Hon'ble Pt. G. B. Pant in support of the Respt.

(c) On 14th February 1957 at about 4 P.M. the Petitioner objected in writing to the Congress (i.e., Respt.) employing Government machinery and S.P. issuing invitations for Pt. Pant's meeting and protested against the same to the authorities, in public meetings arranged by the Petitioner between 14th February 1957 and 13th March 1957 at Ferozepore City, Guru-har-sahai, Jalallabad, Fazilka, Abohar, Giddarbaha and Muktsar and by means of a circular distributed throughout the Constituency, but in vain.

Neither Respt. nor Hon'ble Shri G. B. Pant nor any responsible or irresponsible Leader of the Congress repudiated or disowned the actions objected to.

(d) From all appearances, internal as well as external, the above said meeting was and appeared to be a Government affair.

(e) Respt. consented to, connived at, abetted and did not repudiate or disown Hon'ble Pt. Pant's obtaining, procuring, abetting and attempting to obtain and procure the assistance of a large number of Gazetted Officers and members of the Police force for the furtherance of Respt's election prospects. The Petitioner tried his best to know full particulars of the official assistance obtained by Hon'ble Pt. Pant but the authorities did not supply him the same and he is therefore unable to supply more particulars.

(f) The petitioner has reasons to believe that Hon'ble Pt. G. B. Pant, throwing all sense of decency and fair play to the winds and obliterating all distinctions between the Government and the Congress abused Government resources e.g., Stationery, Typewriters & service stamps) in the interest of the Congress and the Respt. Had the authorities including Hon'ble Pt. G. B. Pant, supplied the information asked for by the Petitioner from them he would have set forth full particulars of this corrupt practice together with the names and addresses etc., of the officials employed for the same.

6. *Canvassing within prohibited areas.*—(a) Respt. supplied a large number of his election symbols made of paper, cloth and metal to his workers and polling agents which were, in contravention of S. 130(I) (e) of the R.P. Act, 1951, exhibited not only within hundred yards of the polling stations, not only within the polling stations but within the polling rooms themselves. It had the psychological effect of creating last impression on the minds of the electors and therefore affected the result of the election materially. The Petitioner objected, even in writing e.g., at Polling stations No. 7, 12, 23, 5, S. D. High School, Ferozepore City, P.W.D. Rest House Ferozepore Cantt on 2nd March 1957; Nos. 19 and 22 on 8th March 1957 and No. 60 on 10th March 1957 against the same, but in vain. The authorities did not take proper action in the matter.

(b) On March 14, 1957 at every polling station of the Muktsar Assembly Constituency about half a dozen young and beautiful college and school girls and mistresses (said to have been sent by S. Partap Singh Kairon from Amritsar and Ludhiana Districts) were put by the Respt. and the Congress candidate for the Muktsar Assembly Constituency with the sole object of influencing electors in favour of the Congress candidates including the Respt. In spite of objections by the Anti-congress candidates the Presiding Officer at the various polling stations did not stop those 'Social Guides' from canvassing in favour of the Congress candidates within the polling rooms themselves. Naturally, this materially affected the result of the election.

It is, therefore, prayed that the election of the Respt. may be declared void and those found guilty of having committed any corrupt practice be disqualified u/s 99 read with section 140 of the Representation of the People Act, 1951.

MAST RAM,
(Petitioner).

Verification

I, Mast Ram, the petitioner, hereby verify that the contents of paras Nos. I, II-1(a), 2(a), II-3, II-4 (re: Mamdot Muktsar and Ferozepore City), II-5(b), (c) (d) & (f) and II-6 (a) & (b) are correct to my knowledge and of paras Nos. II-1(b), (c) and (d), II-2(b), (c), II-4 (re: places other than Mamdot Muktsar and Ferozepore City), II-5(a) and (e), are correct to my belief based upon information received and believed to be true.

Verified in Delhi Gate at Ferozepore City on 27th April 1957.

MAST RAM,
(Petitioner).

[No. 82/378/57.]

By Order,
DIN DAYAL, Under Secy.